

COMBATING DOMESTIC VIOLENCE WITH LEGAL SERVICES

The NC State Bar Report to the General Assembly Regarding the Domestic Violence Victim Assistance Act 2018–19

WHAT IS DOMESTIC VIOLENCE?

Domestic violence occurs when one person in an intimate relationship uses a pattern of coercion and control against the other person during the relationship and/or after the relationship has terminated. It often includes physical, sexual, emotional, or economic abuse.

Domestic violence occurs in all kinds of families and relationships. Persons of any class, culture, religion, sexual orientation, marital status, age, and sex can be victims or perpetrators of domestic violence.

Each year, funding from North Carolina's Domestic Violence Victim Assistance Act provides legal aid to help domestic violence victims and their children escape abuse and rebuild their lives.

It is important to combat domestic violence in North Carolina because*:

- Since 2008, the State of North Carolina has reported an average of more than 110 domestic violence-related homicides annually.
- 1 in 4 women will report violence at the hands of an intimate partner during her lifetime.
- It is estimated nationally that intimate partner violence costs employers over \$5 billion annually.
- Approximately one-fifth of patients treated in hospital emergency rooms are treated for injuries inflicted by an intimate partner.
- One study found 54% of employees living with domestic violence missed at least 3 full days of work per month.
- Domestic violence is the #1 reason women and children become homeless in the U.S.
- In homes where domestic violence occurs, the rate of child abuse is 15 times higher than the average home, with co-occurring child abuse in 45–60% of homes where domestic violence is present.
- Children exposed to domestic violence are at an increased risk for behavioral and psychological problems, alcohol and substance use, juvenile delinquency, and adult criminal behavior.

* Information was compiled from a variety of sources, including the North Carolina Department of Justice, the North Carolina State Bureau of Investigation, the Centers for Disease Control and Prevention, the U.S. Department of Justice, and the American Psychological Association, among others.

NC Domestic Violence Victim Assistance Act

In 2004, the NC General Assembly passed comprehensive legislation to address the problem of domestic violence. This multi-faceted program included access to legal representation for domestic violence victims under the NC Domestic Violence Victim Assistance Act.

Studies show legal aid stops domestic violence.

A study by economists at Colgate and the University of Arkansas* indicates that the availability of legal services decreases the likelihood that women will be battered. The study notes that while shelters, hotlines, and counseling are vitally important crisis-intervention aids, it is legal services that offer women certain important alternatives to abusive relationships. The economists theorize that by helping domestic violence survivors obtain protective orders, custody of their children, child support, and sometimes public assistance, legal aid programs help the women achieve the physical safety and financial security needed to leave their abusers. Because legal aid helps women achieve self-sufficiency, it is a good investment of public funds.

* Amy Farmer & Jill Tiefenthaler, Explaining the Recent Decline in Domestic Violence, 21 Contemp Econ Pol'y 158 (April 2003)

Funding through the NC Domestic Violence Victim Assistance Act is used:

- (1) To provide legal assistance to domestic violence victims;
- (2) To provide education to domestic violence victims regarding their rights and duties under the law; and
- (3) To involve the private bar in the representation of domestic violence victims

through cases that address:

- (1) Actions for protective orders;
- (2) Child custody and visitation issues; and
- (3) Legal services which ensure the safety of the client and the client's children.

State Funding in 2018–2019

A total of **\$1,048,713** was distributed:

\$66,488 to Pisgah Legal Services to serve Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania counties; and

\$982,225 to Legal Aid of North Carolina to serve all other counties.

One woman's story

Marcy* was leaving home to take her kids to school early one morning when her estranged ex, high on meth, jumped onto the hood of her car, forcing her to stop. He got in and demanded she drive him around for several hours. Marcy finally managed to escape with her children and contact Pisgah Legal Services.

After 12 years and three kids, Marcy could no longer endure his abuse, threats, and controlling behavior, behavior worsened by drug abuse. She had recently left him, but he wasn't taking "no" for an answer.

Pisgah Legal Services' attorney James Gorsuch secured a protective order and full custody of the children for Marcy, ensuring their future safety.

**"I feel like I can breathe.
I finally have control
over my life."**

**Name changed at client's request.*



Domestic and Sexual Violence Prevention Program (DSVPP)

The Domestic and Sexual Violence Prevention Program (DSVPP) of Pisgah Legal Services provides civil legal services for low-income victims of domestic violence, sexual violence, and child maltreatment. PLS works in collaboration with domestic violence prevention agencies, shelters, law enforcement and other partners in Western North Carolina, including family justice centers and resource centers to provide coordinated services under one roof for survivors.



LEGAL AID of NORTH CAROLINA

Domestic Violence and Sexual Assault (DVSA) Project

The Domestic Violence and Sexual Assault (DVSA) Project of Legal Aid of North Carolina provides free legal assistance to survivors of domestic violence and sexual assault throughout the state. Attorneys and advocates with the DVSA Project help survivors secure domestic violence protective orders against their abusers and provide a wide range of other legal services related to child custody, housing, employment, and more. This life-changing support helps survivors escape their abusers and start new lives.

From July 2018 through June 2019, Legal Aid of North Carolina and Pisgah Legal Services completed **7,363** cases for domestic violence victims. Of these cases, **1,084** were completed by volunteer attorneys.

Civil legal aid helped domestic violence victims secure **3,272** protective orders and protected custody rights for **990** victims.

The NC Domestic Violence Victim Assistance Act funds Legal Aid of North Carolina and Pisgah Legal Services to provide free legal services to domestic violence victims to escape abuse and rebuild their lives.

Legal Services—Legal aid attorneys and private volunteer attorneys help victims secure court protective orders to improve the safety of adult and child victims. Legal aid also helps victims address a range of other issues to increase their independence from abusers, including child custody and child support, divorce, division of marital property, and housing and consumer issues.

The type of services that are provided vary depending upon the availability of legal aid staff and private volunteer attorneys to represent domestic violence victims in each of the 100 counties in North Carolina. On short notice, legal aid attorneys must interview the victim and any other witnesses, gather records, and prepare for trial, which is scheduled within 10 days of when the victim files court action to obtain a temporary protective order. Because victim safety is always a concern, attorneys must address safety plans for victims and their families.

Community Involvement—The legal aid organizations work closely with community-based programs, agencies, and task forces to address other non-legal needs of domestic violence victims. In addition, staff attorneys work to educate the victims and others within a community, such as landlords, about their rights and duties under the law. This community involvement is critical to helping victims gain much needed self-sufficiency to stop the domestic violence.

Volunteer Attorneys—Legal aid attorneys train private volunteer attorneys to represent domestic violence victims in court to obtain protective orders. Also, volunteer attorneys accept cases where domestic violence victims need legal representation in matters such as divorce and child custody and support.